

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUDOLPH ELLIS,

Plaintiff,

v.

RALPH DIAZ,

Defendant.

Case No. 1:20-cv-00134-DAD-EPG (PC)

ORDER DENYING REQUEST FOR REFUND
OF FILING FEE

(ECF No. 30)

Plaintiff Rudolph Ellis (“Plaintiff”) is a state inmate proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 11, 2021, District Judge Dale A. Drozd entered an order dismissing this case with prejudice for failure to state a claim upon which relief may be granted. (ECF No. 21.) Judgment was accordingly entered on January 11, 2021. (ECF No. 22.) Plaintiff was served with the judgment by U.S. Mail on January 11, 2021. On February 12, 2021, Plaintiff filed his notice of appeal, which was processed and forwarded to the Ninth Circuit. (ECF Nos. 25, 26.)

On November 29, 2021, Plaintiff filed a request that the Court refund money taken from his trust account for a filing fee in Case No. 1:10-cv-00134-NONE-EPG (PC). (ECF No. 30.) According to Plaintiff, “[t]he only payments should be under case # 1:20-cv-00134-DAD (EP) Rudolph Ellis v. Ralph Diaz and case # 1:21-cv-01539-GSA Rudolph Ellis v. K. Santoro, et al.” (*Id.*)

1 Plaintiff attaches a copy of his trust account statement, which lists obligations for the
2 \$350.00 filing fees in this case, identified as Case No. “1:20-CV00134NONE-EPG,”¹ and in Case
3 No. 1:21-cv-01539-GSA. (ECF No. 30.) Plaintiff concedes that he owes these filing fees. (*See id.*)
4 Additionally, there is an obligation of \$505.00 listed for Case No. “1:20-CV-00134-DAD-EP,”
5 which appears to represent the Ninth Circuit’s filing fee for Plaintiff’s appeal of this case. (*Id.*)
6 While Plaintiff is proceeding *in forma pauperis*, he is still required to pay the filing fee for any
7 civil actions as well as any appeals from those actions. 28 U.S.C § 1915(b)(1).

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s request (ECF No. 30) for a
9 refund of his filing fee is DENIED.

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11 IT IS SO ORDERED.

12 Dated: December 2, 2021

13 /s/ Eric P. Groj
14 UNITED STATES MAGISTRATE JUDGE
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28 ¹ This case was originally designated as NONE and was reassigned to District Judge Drozd for the purpose of closing the case. (ECF No. 21.)